

## NOTICE OF PUBLIC HEARING

D.T.E. 05-4

February 23, 2005

Complaint of Verizon New England, Inc. d/b/a Verizon Massachusetts concerning customer transfer charges imposed by Broadview Networks, Inc.

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On January 31, 2005, Verizon New England, Inc. d/b/a Verizon Massachusetts (“Verizon”) filed a complaint with the Massachusetts Department of Telecommunications and Energy (“Department”), pursuant to G.L. c. 159, §§ 14 and 17, against Broadview Networks, Inc. (“Broadview”), regarding the application of “Service Transfer Charges,” as contained in § 9.1.1 of Broadview’s Tariff M.D.T.E. No. 2. Verizon argues that the charges are not connected to the cost of any service that Broadview is providing to Verizon, and that therefore, the charges are not just and reasonable. Verizon requests that the Department (1) investigate the validity of these service charges, (2) find that the charges are unjust and unreasonable, and (3) enter an order invalidating such charges as unlawful or reducing them to zero.

Broadview responds that its charges are reasonable, because the charges recover costs associated with activities undertaken by Broadview on behalf of Verizon, and because the associated costs are comparable to those for which Verizon assesses Service Order Charges and Manual Intervention Surcharges on Broadview. Therefore, Broadview requests that the Department deny Verizon’s complaint and direct Verizon to pay all future and outstanding Service Transfer Charges.

The Department has docketed this matter as D.T.E. 05-4. The Department will hold a public hearing to receive comments on Verizon’s complaint. The hearing will take place on Wednesday, March 16, 2005, at 2:00 p.m. at the Department’s offices, One South Station, 2nd Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. The complaint and responsive pleadings are available for inspection at the Department’s offices, Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M.

Any person who desires to file written comments or to participate otherwise in this proceeding shall file an original and six (6) copies of such written comments or petition for

leave to intervene in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later than 5:00 p.m. on Monday, March 14, 2005, and serve one copy on counsel for all parties. The current service list is available from the Department.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Please submit a copy of all nonproprietary written pleadings, comments, or petitions to intervene to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [Jesse.Reyes@state.ma.us](mailto:Jesse.Reyes@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding, D.T.E. 05-4; (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be formatted as either Word Perfect, Microsoft Word, or Adobe PDF compatible files. Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dte>.

Any person desiring further information regarding this notice may contact: Jesse S. Reyes, Hearing Officer, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, tel. (617) 305-3735.

By Order of the Department,

/s/  
Mary L. Cottrell, Secretary